

September 6, 2005

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, September 6, 2005 at 6:00 p.m. in the Board Room of the Walton County Government Building, 303 South Hammond Drive, Suite 330, Monroe, Ga. Those present included Chairman Kevin Little, Commissioners Clinton Ayers, Michael Turner, Vickie Gasaway, Lamar Palmer, Gerald Atha and John Robinson, County Clerk Leta Talbird, County Attorney Ken Lander, Personnel Director Janice Holland, Financial Officer Christie Pickens and Charna Parker of the Planning & Development Office. A list of citizens and other employees in attendance at this meeting is on file in the auxiliary file under this meeting date.

Steve Vance of the American Public Works Association presented a certificate to Road Superintendent Steve Chandler for completion of course work.

Wayne Tamplin and Pat Malcom of Treadwell, Tamplin & Company gave an analysis of the current Special Local Option Sales Tax.

Jimmy Parker of Precision Planning, Inc. discussed engineering requirements for the proposed Hwy. 138 extension project.

Chairman Little called the meeting to order at 6:44 p.m. and led those present in the Pledge of Allegiance. Commissioner Gasaway opened the meeting in prayer.

Commissioner Ayers made a motion to adopt the agenda as presented, with requested additions. Commissioner Atha seconded the motion. All voted in favor.

Recreation Director Jody Johnson presented bids received for grading at the West Walton Stadium project. Commissioner Turner made a motion, seconded by Commissioner Ayers, to accept the bid from T. Mac Wilder. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a telecommunications tower for Nextel Communications. The effected property, owned by Louie Martin, is located at 3150 Kirk Road and is further identified on WC Tax Map C 119, Parcel 202. Chairman Little opened the public hearing on the matter. Chris Kinchen, representing Nextel Communications, came before the Board in support of the Conditional Use. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion, seconded by Commissioner Robinson, to approve the Conditional Use. All voted in favor.

The Board considered a Planning Commission recommendation to approve a request for a land use designation change from high density residential to commercial and a rezone from R-1 to O-I for Dbl. Dipp, LLC. The effected property, owned by Lee & Anderson Malcom, is located at 1409 Georgia Hwy. 11 and is further identified on WC Tax Map C

90, Parcels 14 & 15. The purpose of the request is to change the land use and rezone 2.764 acres for an ice cream restaurant and office space. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion, seconded by Commissioner Palmer, to approve the request. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-2 to R-1 for Robert L. Ford. The effected property, owned by Bennie D. Ford, is located on Bomac Court off of Centerhill Church Road and is further identified on WC Tax Map C 51, Parcel 128. The purpose of the request is to subdivide 3.4 acres into two parcels for private residences. Chairman Little opened the public hearing on the matter. Robert Ford came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from B-1 to B-3 for Donald Myers. The effected property is located at 3890 Hwy. 81 and is further identified on WC Tax Map C 21, Parcel 19. The purpose of the request is to rezone .91 acres to allow more uses in an existing commercial area. Chairman Little opened the public hearing on the matter. Donald Myers came before the Board in support of the rezone. Mr. Myers requested that the Board refund his application fee. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone and to refund Mr. Myers' application fee. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a request to change the land use designation from high density residential to commercial and to approve a rezone request from A-1 to O-I for Ronnie and Vickie Green. The effected property is located at 3915 Rosebud road and is further identified on WC Tax Map C 2, Parcel 2. The purpose of the request is to change the land use designation and to rezone 4.626 acres for the operation of a dental laboratory. Chairman Little opened the public hearing on the matter. Jason Green came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the land use designation change and rezone with the condition that there will be no signage and that applicant will maintain the residential appearance of the property and the facility. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a request to change the land use designation from commercial to medium density and a rezone from B-1 to A-1 for Matthew G. Holt. The effected property is located at 935 Snip Dillard Road and is further identified on WC Tax Map C 177, Parcel 30F. The purpose of the

request is to change the land use designation and rezone 2.29 acres for agriculture and residential use. Chairman Little opened the public hearing on the matter. Matthew Holt came before the Board in support of the request. Mr. Holt asked for a refund of his application fee. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the land use designation change and the rezone and to refund the application fee. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 for Robert J. and Angela Smith. The effected property is located at 3005 Maple Cove Drive and is further identified on WC Tax Map N60C, Parcels 38 & 39. The purpose of the request is to rezone 4.16 acres in order to subdivide the property into two approximately one-acre lots. Chairman Little opened the public hearing on the matter. Jeff Smith came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to deny a request for a land use designation change from medium density to high density and a rezone from A-1 to R-1 with OSC Overlay for Neal Jackson. The effected property, owned by WarJac, LLC, is located at 2610 Shockley Road and is further identified on WC Tax Map C 119, Parcel 59. The purpose of the request is to change the land use designation and rezone 44.549 acres for a subdivision. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the request. Mr. Rosenthal stated that a letter preserving the applicant's Constitutional rights had been mailed to Chairman Little. Mr. Rosenthal stated that the applicant has modified the request to A-1 to A-2 with OSC Overlay, based on the neighboring property owner's concerns about density. He stated that the modification would not require a land use designation change. Jeff Armistead, Ron Bayne and Donna McGilreath spoke in opposition to the request, citing the condition and safety of Shockley Road, increased traffic and storm water runoff issues as reasons for opposition. Paul Rosenthal spoke in rebuttal, stating that the 1,200 ft. of paving on Shockley Road will comply with all development standards. Chairman Little closed the public hearing on the matter. He expressed his concerns regarding the curve on Shockley Road. Commissioner Atha made a motion to approve the rezone from A-1 to A-2 with OSC Overlay. Commissioner Turner seconded the motion. All voted in favor.

Chairman Little stated that a request for clarification of conditions placed on rezone Z04090009 regarding buffers for Jug Tavern Enterprises had been withdrawn by the applicant.

Commissioner Gasaway made a motion, seconded by Commissioner Atha, to accept the following rights of way: Belle Woode Estates – Belle Woode, Belle Vista, Forest Brooks II – McKinsey Ridge, Taylor Drive, Deer Creek I (formerly Brittany Downs) Navaho

Trail, Deer Creek Lane & Deer Creek Court, Windridge IV – Wood Valley Drive & Wood Valley Court, Rocky Branch I – Thomas Drive, Ashton Walk & Kristen Lane. All voted in favor.

The Board considered a U.S.D.A. grant application for funding of support personnel. Commissioner Turner made a motion to approve the application and to bring the grant back to the Board if it is awarded. Commissioner Gasaway seconded the motion; voted and carried unanimously.

Commissioner Turner rescinded his motion made at the 9/1/05 meeting regarding the Board's decision to approve the GDOT Contract for Project # CSSTP-0007-00 (103) – SR 138 Extension, SR10/US 78/Monroe City Limits contingent upon the remainder of the engineering costs not exceeding \$100,000.00. Commissioner Gasaway seconded the motion. All voted in favor. The Board discussed raising funds from public and private sources to cover the cost of engineering in excess of \$100,000.00. Jimmy Parker of Precision Planning stated that the estimated cost to complete the engineering is \$377,000.00. Commissioner Turner stated that the Board should not sign the contract until the County has a firm commitment in writing regarding the additional funds. After further discussion, Commissioner Turner made a motion to table a decision on the contract in order to allow Chairman Little to discuss the project with the City and other entities and try to find an additional \$300,000.00. Commissioner Atha seconded the motion. All voted in favor. Chairman Little stated that he would contact the Board once he has had an opportunity to talk to the City of Monroe and to the property owner.

The Board took no action on an annexation request from the City of Loganville – 3520 Hwy. 78.

The Board discussed a proposed amendment to the Land Development Ordinance regarding residential occupancy limitations. The Board instructed the Planning & Development Department and County Attorney Lander to review the proposed amendment and to bring it back to the Board at a later date.

County Attorney Ken Lander presented a resolution regarding the condemnation of property owned by the estate of Nathan Caswell, which is needed for improvements at the intersection of Bay Creek Road and Georgia Hwy. 81. Commissioner Ayers made a motion to adopt the resolution. Commissioner Turner seconded the motion; voted and carried unanimously.

At 8:25 p.m., Commissioner Ayers made a motion, seconded by Commissioner Atha, to enter into executive session to discuss litigation. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor.

At 8:45 p.m., Commissioner Turner made a motion, seconded by Commissioner Gasaway, to return to regular session. No votes were taken while in executive session.

The Board discussed allocation of funds for capital purchases. No decisions were made.

At 9:35 p.m., Commissioner Ayers made a motion to adjourn the meeting. Commissioner Gasaway seconded the motion. All voted in favor.

All documents of record for this meeting are on file in either the addendum book or auxiliary file under this meeting date.

KEVIN W. LITTLE, CHAIRMAN

LETA P. TALBIRD, CLERK

CLINTON AYERS, DISTRICT 1

MICHAEL TURNER, DISTRICT 2

VICKIE M. GASAWAY, DISTRICT 3

LAMAR PALMER, DISTRICT 4

GERALD ATHA, DISTRICT 5

JOHN ROBINSON, DISTRICT 6